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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DHL EXPRESS (USA), INC.,

Plaintiff,

v.

CHARLES HORKY and SLADE SERVICES
ASPEN d/b/a SLADE SERVICES ,

Defendants.

Case No: 2:23-cv-00529-MMD-NJK

**STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER**

Comes now Plaintiff DHL Express (USA), Inc. ("Plaintiff") and Defendants Charles Horky and Slade Services Aspen d/b/a Slade Services (collectively "Defendants"), by and through their respective undersigned counsel, pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1, and propose the Discovery Plan and Scheduling Order set forth herein.

a. Meeting. Pursuant to FRCP 26(f) and LR 26-1, a telephonic meeting was held on June 28, 2023, and was attended by Russell L. Porter, Esq., counsel for Plaintiff, and James S. Kent, Esq., counsel for Defendants.

b. Date for Exchange of Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1): July 12, 2023 – this is fourteen days from the date of the Rule 26(f) Conference.

1 c. Date for the Exchange of Disclosures Pursuant to Federal Rule of Civil Procedure
2 26(a)(2): Disclosures identifying experts and final expert reports shall be made by September 15,
3 2023. This is 60 days before the discovery cut-off date.

4 d. Date for the Exchange of Rebuttal Disclosures Pursuant to Federal Rule of Civil
5 Procedure 26(a)(2): Rebuttal expert disclosures shall be made by October 15, 2023. This is 30 days
6 after the initial disclosure of experts.

7 e. Subjects on Which Discovery May be Needed: (i) the authenticity of the signature on
8 the relevant agreement referenced in the complaint; (ii) the affirmative defenses pleaded by the
9 Defendants herein; and (iii) other matters reasonably embraced within the scope of the pleadings.

10 f. Date for the Close of Discovery: The discovery cutoff date is November 14, 2023.
11 This is 180 days after Defendants filed their answer on May 18, 2023.

12 g. Phasing and Limitations on Discovery: None.

13 h. Electronically Stored Information: The parties agree electronically stored information
14 may be produced in any common format, inclusive of PDF format, except where the veracity or
15 timeliness of a given item is specifically implicated, in which case the subject item shall be produced
16 in native format.

17 i. Claim of Privilege: It is not anticipated this case will meaningfully bear on privileged or
18 protected matter. The parties agree to voluntarily destroy any inadvertently produced privileged matter,
19 and that such an inadvertent productions shall not constitute a waiver of the attorney/client privilege
20 or the attorney work product doctrine.

21 j. Changes to Limitations on Discovery: ~~Applications to extend any date set by the~~
See LR 26-3 ~~plan/scheduling order shall be received by the Court twenty (20) days before the date~~
23 ~~fixed for completion of discovery, or within twenty (20) days before the expiration of any extension~~
24 ~~thereof that may have been approved by the Court.~~

25 k. Deadline to Amend Pleadings or Add Parties: The deadline to amend shall be August
26 16, 2023; the deadline to add parties shall also be August 16, 2023. This is 90 days prior to the close
27 of discovery.
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1 l. Deadline for the Filing of Dispositive Motions: December 14, 2023. This is 30 days
2 after the discovery cut-off date.

3 m. Deadline for the Filing of a Joint Pretrial Order: January 13, 2024. This is 30 days
4 after the deadline for filing dispositive motions.

5 n. Deadline for Exchange of Disclosures Pursuant to Federal Rule of Civil Procedure
6 26(a)(3): Pretrial disclosures shall disclosed in the Joint Pretrial Order.

7 o. Alternative Dispute Resolution: Counsel for the Plaintiff and the Defendants have
8 conferred concerning alternative dispute resolution, and will work amicably through their counsel to
9 assess the potential upside of mediation as the case progresses.

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p. Alternative Forms of Case Disposition: The undersigned parties certify that they have considered consent to trial by a magistrate judge under 28 U.S.C. § 636 (c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program.

DATED this 28th day of June, 2023.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP BY: <u>/s/ Jorge A. Ramirez, Esq.</u> JORGE A. RAMIREZ, ESQ. Nevada Bar No. 6787 6689 Las Vegas Blvd. South, Suite 200 Las Vegas, Nevada 89119 Telephone: 702.727.1400 Facsimile: 702.727.1401 Email: jorge.ramirez@wilsonelser.com RUSSELL L. PORTER, ESQ. (<i>pro hac vice</i>) 150 E 42nd Street New York, NY 10017 Telephone: (212) 490-3000 Fax: (212) 490-3038 russell.porter@wilsonelser.com <i>Attorneys for Plaintiff DHL Express (USA), Inc.</i>	JAMES S. KENT, LTD. BY: <u>/s/ James S. Kent, Esq.</u> JAMES S. KENT, ESQ. Nevada Bar No. 5034 9480 S. Eastern Ave. Suite 228 Las Vegas, NV 89123 (702) 385-1100 jamie@jamiekent.org <i>Attorney for Defendants Charles Horky and Slade Services</i>
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IT IS SO ORDERED:


United States Magistrate Judge

DATED: June 29, 2023